

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 868, A bill to be entitled "An Act validating the creation or attempted creation of all consolidated rural high school districts and all acts of the Board of Trustees of such districts in ordering and holding elections, levying taxes, issuing bonds and all tax assessments and rolls of such districts and all bonds and all other actions by the Boards of Trustees in this connection, providing that this Act shall not apply to districts now involved in litigation, and declaring an emergency."

The bill was read second time and was passed to third reading.

#### House Bill 868 on Third Reading

Senator Beck moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 868 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalf	Winfield
Moffett	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—31

Aikin	Cotten
Beck	Graves
Brownlee	Hardin
Burns	Head
Collie	Hill

Isbell	Shivers
Kelley	Small
Lanning	Spears
Lemens	Stone
Martin	of Galveston
Metcalf	Stone
Moffett	of Washington
Moore	Sulak
Nelson	Van Zandt
Pace	Weinert
Redditt	Winfield
Roberts	

#### House Bill 365 on Final Passage

Senator Lemens moved to reconsider the vote by which H. B. No. 365 was passed.

The motion prevailed.

The President laid the bill before the Senate on its final passage.

Question—Shall the bill be passed?

#### Adjournment

Senator Brownlee moved that the Senate adjourn until 10:00 o'clock a. m. tomorrow.

The motion prevailed; and the Senate, accordingly, at 3:25 o'clock p. m., adjourned until 10:00 o'clock a. m. tomorrow.

#### FIFTIETH DAY

(Thursday, April 13, 1939)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by President Stevenson.

The roll was called, and the following Senators were present:

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalf	Winfield
Moffett	

A quorum was announced present.

The invocation was offered by the Chaplain.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

#### Senate Bills on First Reading

Senator Aikin moved that the rule relative to the introduction of bills after the first 60 days of the Regular Session of the Legislature be suspended to permit his introducing a general bill, the provisions of which he explained.

The motion prevailed by the following vote:

#### Yeas—28

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Cotten	Roberts
Graves	Shivers
Hardin	Small
Head	Spears
Hill	Stone
Isbell	of Galveston
Kelley	Stone
Lanning	of Washington
Lemens	Van Zandt
Metcalf	Weinert
Moffett	Winfield

#### Absent

Collie	Sulak
Martin	

The following bill then was introduced, read first time, and referred to the committee indicated:

By Senators Winfield, Aikin, Van Zandt and Metcalfe:

S. B. No. 432, A bill to be entitled "An Act amending Section 7 of Chapter 60, Acts of the Second Called Session of the Forty-fifth Legislature, [relating to allocation of school aid] and declaring an emergency."

Referred to Committee on Finance.

Senator Nelson moved that the rule relative to the consideration of bills during the first 60 days of the Regular Session of the Legislature be suspended to permit his introducing a bill at this time.

The motion prevailed by the following vote:

#### Yeas—29

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Van Zandt
Lemens	Weinert
Metcalf	Winfield
Moffett	

#### Absent

Martin	Sulak
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The following bill then was introduced, read first time, and referred to the committee indicated:

By Senator Nelson:

S. B. No. 433, A bill to be entitled "An Act to enable common school districts in each county of Texas having a population of not less than eleven thousand twenty-one (11,021) nor more than eleven thousand fifty (11,050) according to the latest Federal Census, to vote bonds, levy taxes for the same, for the purpose of purchasing not more than one school bus, or one school bus body, or one school bus chassis; repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

Referred to Committee on State Affairs.

#### Reports of Standing Committees

Senator Roberts, by unanimous consent, submitted at this time the following reports of the Committee on Finance:

Austin, Texas,  
April 12, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir. We, your Committee on Finance, to whom was referred

H. B. No. 590, A bill to be entitled "An Act to provide an emergency appropriation of Twenty Thousand Dollars (\$20,000.00) payable out of any funds in the State Treasury, not otherwise appropriated, for the use and benefit of the Gas Utilities Division of the Railroad Commission of

Texas and for the use and benefit of the Attorney General's Department; providing for repayment of said sum to the General Revenue, and further providing certain conditions and restrictions upon use of said sum; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

ROBERTS, Chairman.

Austin, Texas,  
April 12, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 799, A bill to be entitled "An Act making appropriation of certain sums of money, or so much thereof as may be necessary, out of the General Revenue Fund to pay taxes due by the State to certain Independent School Districts; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

ROBERTS, Chairman.

Austin, Texas,  
April 13, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, Your Committee on Finance, to whom was referred

S. B. No. 432, A bill to be entitled "An Act amending Section 7 of Chapter 60, Acts of the Second Called Session of the Forty-fifth Legislature, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass and be not printed.

ROBERTS, Chairman.

Senator Hardin, by unanimous consent, submitted at this time the following report of the Committee on Counties and County Boundaries:

Austin, Texas,  
April 13, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 6, A bill to be entitled "An Act amending Article 835c, Revised Civil Statutes of Texas of 1925, Acts of the Forty-first Legislature, 1930, Fifth Called Session, Chapter 10, page 125, providing that cities or counties in this State, acting by or through the governing body of such city or county, may donate lands to the State of Texas or United States of America for hospital purposes; and validating prior donations or contracts to donate whether consummated by conveyance, condemnation, or otherwise; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

HARDIN, Chairman.

#### House Bill 365 on Final Passage (Unfinished Business)

The President laid before the Senate, as unfinished business, on its final passage (the bill having been read third time on yesterday):

H. B. No. 365, A bill to be entitled "An Act authorizing the Commissioners' Court of any county having a population of not less than four thousand, six hundred and thirty-seven (4,637) and not more than four thousand, seven hundred (4,700) inhabitants, according to the last preceding Federal Census, to allow each County Commissioner the sum of Twenty-five (\$25.00) Dollars per month for traveling expenses; providing for the source of payment of such expenses, and declaring an emergency."

Senator L e m e n s offered the following amendment to the bill:

Amend H. B. No. 365 by striking from the caption thereof the following:

"and the Commissioners' Court of any county having a population of not less than thirty-three thousand, three hundred and seventeen (33,317) and not more than thirty-three thousand, three hundred and twenty-five (33,325) inhabitants, according to the last preceding Federal Census, to al-

low each County Commissioner the sum of Forty Dollars (\$40) per month for traveling expenses;)"

The amendment was adopted.

Senator Lemens offered the following amendment to the bill:

Amend H. B. No. 365 by striking from Section 1 thereof the following: "and the Commissioners' Court of any county having a population of not less than thirty-three thousand, three hundred and seventeen (33,317) and not more than thirty-three thousand, three hundred and twenty-five (33,325) inhabitants, according to the last preceding Federal Census, is hereby authorized to allow each County Commissioner the sum of Forty Dollars (\$40) per month for traveling expenses while on official business."

The amendment was adopted.

The bill as amended was passed.

#### Message from the House

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,  
Austin, Texas, April 13, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has concurred in Senate Amendments to H. B. No. 461 by a vote of 116 yeas and 0 noes.

The House has concurred in Senate amendments to H. B. No. 824, by a vote of 114 yeas, 0 noes.

The House has passed the following resolution:

H. C. R. No. 93, Providing for certain corrections to House Bill No. 391.

Respectfully submitted,

E. R. LINDLEY,  
Chief Clerk, House of Representatives.

#### House Concurrent Resolution 15

The President laid before the Senate, for consideration at this time:

H. C. R. No. 15, Calling attention of the Department of State of the United States to the seriousness of the situation resulting from Mexican expropriation of American property

and suggesting action in regard thereto.

The resolution was read.

Senator Moffett moved that further consideration of the resolution be postponed until May 20, 1939.

Yeas and nays were demanded, and the motion to postpone prevailed by the following vote:

#### Yeas—20

Aikin	Lemens
Beck	Metcalfe
Burns	Moffett
Collie	Nelson
Cotten	Pace
Graves	Roberts
Hill	Small
Isbell	Spears
Kelley	Sulak
Lanning	Van Zandt

#### Nays—9

Brownlee	Stone
Hardin	of Galveston
Moore	Stone
Redditt	of Washington
Shivers	Weinert
	Winfield

#### Absent

Head	Martin
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#### Senate Bill 432 on Second Reading

Senator Winfield moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 432 be placed on its second reading and passage to engrossment and on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—31

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalfe	Winfield
Moffett	

On motion of Senator Winfield and by unanimous consent, Senate Rules 31a and 48 were suspended, to permit consideration of S. B. No. 432 at this time.

The President laid the bill before the Senate on its second reading and passage to engrossment.

The bill was read second time and was passed to engrossment.

#### Senate Bill 432 on Third Reading

The President then laid S. B. No. 432 before the Senate on its third reading and final passage

The bill was read third time and was passed by the following vote:

#### Yeas—30

Aikin	Moore
Brownlee	Nelson
Burns	Pace
Collie	Redditt
Cotten	Roberts
Graves	Shivers
Hardin	Small
Head	Spears
Hill	Stone
Isbell	of Galveston
Kelley	Stone
Lanning	of Washington
Lemens	Sulak
Martin	Van Zandt
Metcalf	Weinert
Moffett	Winfield

#### Nays—1

Beck

#### Message from the House

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,  
Austin, Texas,  
April 13, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolutions:

H. C. R. No. 77, Honoring Messrs. W. H. Westfall, G. W. Lacey, and N. L. Norton, who donated the granite for the Capitol Building of the State of Texas, by placing a bronze plaque in the corridor of the State Capitol Building.

H. C. R. No. 95, Authorizing the

Enrolling Clerk of the House to make certain corrections in H. B. No. 657.

Respectfully submitted,  
E. R. LINDLEY,

Chief Clerk, House of Representatives.

#### House Bill 17 on Passage to Third Reading

Senator Small moved to call from the table, on its passage to third reading (the bill having been read second time and tabled subject to call on April 6, 1939):

H. B. No. 17, A bill to be entitled "An Act providing a title for the Act; providing the definition of certain words, terms and phrases; providing certain exemptions; providing any one act prohibited herein shall be a violation hereof; providing for the administration of the Act; providing certain procedure for securing real estate dealers' and real estate salesmen's licenses and for certain information to be supplied by applicant and requiring the recommendation of the applicant by three real estate owners; providing a partnership, association or corporation licensed under the Act can designate one of its members or officers to be licensed as a real estate dealer without additional charge and imposing certain restrictions; providing any member of partnership or officer of association or corporation not designated required to be licensed before acting as a real estate dealer and imposing restrictions, etc., and declaring an emergency."

The motion prevailed.

The President laid the bill before the Senate, on its passage to third reading.

Senator Van Zandt offered the following amendments to the bill:

(1)

Amend H. B. 17 by striking out of sub-section B of Section 3, the following: "in the performance of his duties as such attorney at law."

(2)

Amend H. B. 17 by adding the words "and licensed and registered attorneys" after the words "other than a salesman" in sub-section (a) (1) of Section 2.

The amendments were adopted severally.

Senator Cotten offered the following amendment to the bill:

Amend H. B. 17 by adding a new section as follows:

Provided that this Act shall not apply to any counties with a population of less than 75,000 according to the last Federal Census.

Senator Small moved to table the amendment.

Question—Shall the motion to table prevail?

#### Report of Committee on Education

Senator Nelson, by unanimous consent, submitted at this time the following report of the Committee on Education:

Austin, Texas,  
April 12, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

H. B. No. 634, A bill to be entitled "An Act providing for a rural school music supervisor in certain counties; prescribing the duties of said supervisor; prescribing the method of employing the supervisor; providing for removal of such supervisor by the County Board of School Trustees on recommendation of the County Superintendent; prescribing manner of fixing and paying salary; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

AIKIN, Chairman.

#### Recess

Senator Redditt moved that the Senate recess to 2:00 o'clock p. m. today.

The motion prevailed; and the Senate, accordingly, at 12:05 o'clock p. m., took recess to 2:00 o'clock p. m. today.

#### Afternoon Session

The Senate met at 2:00 o'clock p. m., and was called to order by the President.

#### Bills and Resolutions Signed

The President signed, in the presence of the Senate, after their captions had been read, the following enrolled bills and resolutions:

H. C. R. No. 52, by McFarland and Bundy, Granting N. A. Moore permission to sue the State of Texas.

S. C. R. No. 36, Suspending for Thursday afternoon the Joint rules prohibiting consideration of Senate bills in the Senate on House bill days.

H. B. No. 840, "An Act prohibiting the setting of any steel trap, snare or deadfall in certain counties for the purpose of taking any fur-bearing animals for a period of two (2) years; providing certain exceptions; repealing all laws insofar as they conflict with this Act; providing a penalty for violation of this Act."

H. B. No. 374, "An Act providing for the holding of college entrance examinations; authorizing the setting up of rules and regulations necessary thereto; providing for the setting up of a system of fees and for the depositing of fees; describing college entrance examination funds; providing no debt shall be created against said fund and providing for a balance in said fund, and declaring an emergency."

H. B. No. 594, "An Act to amend Chapter 2 of Title 128 of the Revised Civil Statutes of 1925, so as to provide for dividing Water Improvement Districts organized or operating under said Chapter, when such Districts are operating under contract with the Department of the Interior of the Government of the United States, into districts for the election of directors thereof; and requiring directors thereof to be owners of land subject to taxation in the district from which they are elected; and to provide for the election of such directors by the votes of the qualified electors of the whole irrigation district; and to provide penalties if any person shall fail or refuse to pay the taxes or water charges imposed upon him, or upon his property, and declaring an emergency."

H. B. No. 587, "An Act providing the amount of traveling expenses that shall be allowed by the County Board of Trustees to the County Su-

perintendent of Public Instruction for expenditures for traveling expenses in certain counties, according to the last preceding Federal Census or any subsequent Federal Census; repealing all laws and parts of laws in conflict herewith to the extent of the conflict only, and declaring an emergency."

H. B. No. 240, "An Act to fix the maximum rate of tax to be levied for school purposes in all independent school districts which include within their limits a city or town which according to the latest Federal Census had a population of not fewer than six thousand seven hundred fifty (6,750) and not more than six thousand eight hundred fifty (6,850) inhabitants, whether organized under General or Special Laws; repealing all laws in conflict herewith, both General and Special, and declaring an emergency."

H. B. No. 236, An Act authorizing the Commissioners' Court in each county in this State having a population of not less than thirty-four thousand (34,000) nor more than thirty-four thousand two hundred (34,200), according to the last preceding Federal Census, to allow each County Commissioner certain expenses for traveling and in connection with the use of his automobile on official business only and/or in overseeing the construction work on public roads of the County; requiring each such Commissioner to pay the expense of operation and repair of such vehicle so used by him without any further expense whatsoever to the county; and declaring an emergency."

H. B. No. 20, "An Act to be known as the 'State Soil Conservation Act,' reciting the legislative determination and declaration of policy; describing the consequence of soil erosion and the depletion of the fertility of the soil; reciting appropriate corrective methods; defining certain words and phrases used in this Act; establishing the State Soil Conservation Board; establishing five (5) State Districts from which members of the State Soil Conservation Board are to be elected; defining the powers and duties of said members acting through and for said State Soil Conservation Board; providing for the establishing of County Soil Advisory Committees, etc., and declaring an emergency."

H. B. No. 469, "An Act to fix the salary of the Superintendent of Public Instruction in each County in Texas, having a population of not less than 29,750 nor more than 30,025, according to the last Federal Census; repealing all laws and parts of laws in conflict, and declaring an emergency."

H. B. No. 105, "An Act to preserve filed pleadings by making just and convenient regulations to such end, repealing all conflicting laws, and declaring an emergency."

H. B. No. 97, "An Act to amend Article 2199 of the Revised Statutes, by adding thereto provision for reading from the Court Reporter's notes; repealing conflicting law, and declaring an emergency."

H. B. No. 863, "An Act making provisions in certain independent schools districts in this State, for an election to determine tax rate to be levied for payment of bonds and interest thereon; to determine tax rate for maintenance in such districts; providing for levy of such taxes; providing for aggregate amount of such levy; providing that when the bond tax exceeds the levy of fifty (50c) cents on the One Hundred (\$100.00) Dollar valuation, that the maintenance tax shall be reduced in an amount equal to the sum added to the bond tax; making this Act cumulative of all laws on the statute books in force as of this date, and declaring an emergency."

H. B. No. 202, "An Act to amend Sec. 1 of Art. 2351A of the Revised Civil Statutes, the same being House Bill No. 427, Acts 1937, of the Forty-fifth Legislature, Regular Session, by providing for the addition thereto of counties having not less than 48,500 and not more than 49,000 population."

H. B. No. 823, "An Act to amend Subsection (h) of Section 19, Chapter 465, of the Acts of the Forty-fourth Legislature, Second Called Session, by adding thereto a proviso applying in counties having a population of more than 355,000, according to the last preceding Federal Census fixing the limits of the salaries to be paid deputies, assistants, and employees of district, county and precinct officers, defining heads of departments, providing for the manner and means

of employment, and declaring an emergency."

H. B. No. 822, "An Act to amend Article 7252, Revised Statutes, 1925, authorizing the assessor and collector of taxes to appoint deputies to assist him in the assessment and collection of taxes; providing for bonds from such deputies; providing that the assessor and collector shall be liable for the Acts of such deputies; and authorizing the deputies to perform the duties imposed and required by law of the assessor and collector of taxes; and providing that in counties having a population of 355,000 or more, according to the last preceding Federal Census the assessor and collector may apply to the Commissioners' Court for the appointment of special deputies having technical training or qualified by experience in order to obtain valuations and perform technical duties and authorizing the application for clerical, accounting, and stenographic assistants in connection therewith and providing for a special head for the automobile division of said offices, and declaring an emergency."

H. B. No. 824, "An Act providing that in all counties containing a population of 355,000 or more inhabitants, according to the last preceding or any future Federal Census, the Commissioners' Court of each of such counties shall make a reasonable allowance, not to exceed Fifty (\$50.00) Dollars a month, each Justice of the Peace for the operation of automobiles in connection with their official business, when such Justice of the Peace sits in a court maintained in the courthouse at the county seat of each of such counties, repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

H. B. No. 739, "An Act to repeal Chapter 47, H. B. No. 110, Acts, First Called Session of the Forty-third Legislature, pertaining to the use of seines and nets in Red River County, and declaring an emergency."

H. B. No. 481, "An Act providing regulations for the use of seines and nets, for the removal of rough fish from the waters of Zavala County; repealing all laws in conflict with this Act; providing a suitable penalty for violation of this Act, and declaring an emergency."

H. B. No. 482, "An Act providing a closed season during the months of January, February, March and April for taking or attempting to take fish in Uvalde and Zavala Counties; prohibiting the taking of minnows in Uvalde and Zavala Counties for commercial purposes; repealing all laws insofar as they conflict with this Act, providing a suitable penalty, and declaring an emergency."

H. B. No. 876, "An Act fixing the compensation for County Commissioners in certain counties; providing the manner of payment and prescribing the funds from which it shall be paid; repealing all laws or parts of laws in conflict herewith; and declaring an emergency."

H. B. No. 874, "An Act to amend Subsection E of Section 2, of Article 3912e-2, Revised Civil Statutes of Texas, being House Bill No. 165, Acts, 1937, Forty-fifth Legislature, Regular Session, Chapter 81, page 151, and declaring an emergency."

H. B. No. 845, "An Act making it unlawful to take or kill any wild fox in the Counties of Young and/or Jack for a period of two years; making exceptions thereof; prescribing penalty for violation of this Act, and declaring an emergency."

H. B. No. 814, "An Act to declare it unlawful to take, hunt, trap, ensnare, kill or attempt to kill by any means whatsoever any wild deer, buck, doe, fawn or wild turkeys in Young and Jack Counties for a period of four (4) years from and after the passage of this Act; providing for the protection of crops and gardens being destroyed by deer; providing a penalty therefor, and declaring an emergency."

H. B. No. 889, "An Act making it unlawful to take any fish from any of the fresh water lakes, rivers, bayous, sloughs, and/or any other fresh waters in Jack County, Texas, by the use of any hoop, nets, and/or barrel nets; prescribing penalties for such unlawful taking; repealing all laws and parts of laws to the extent of the conflict only, and declaring an emergency."

H. B. No. 866, "An Act to provide for traveling expenses for members of the Commissioners Courts in certain counties, and declaring an emergency."



H. B. No. 867, "An Act providing that in counties having a population of not less than twenty-two thousand, one hundred (22,100) and not more than twenty-two thousand, six hundred (22,600), according to the last preceding Federal Census, the County Judge may appoint a court stenographer to be called and known as the Official Court Reporter of the County Court; providing that the person appointed by said County Judge shall be approved by the Commissioners' Court of the county in which appointed; to define and describe the duties of such Court Reporter and fix the compensation and tenure of office; prescribing the fund from which the salary is to be paid, and declaring an emergency."

H. B. No. 882, "An Act creating and establishing Callahan County Road District Number 2 in Callahan County, Texas, under Article III, Section 52 of the Constitution of Texas for the purpose of the construction, operation, and maintenance of macadamized, graveled, or paved roads or turnpikes, or in aid thereof; describing the territory included therein; making the district a body corporate with authority to sue and be sued; authorizing the district to issue bonds upon two-thirds vote of the property taxpaying voters voting at an election; prescribing the method of calling and conducting such election, and the method of issuing said bonds; directing the levy, assessment, and collection of a tax for the payment of principal and interest of said bonds; providing for the custody and disbursement of the funds of the district; providing that in awarding contracts for road construction the Commissioners' Court shall advertise for bids and shall award the contract to the lowest and best bidder; providing that the fact that a portion of the District hereby created is also included in another Road District having outstanding bonds shall not affect the District hereby created or its powers hereby granted; determining that all of the lands in said District shall be benefited by additional road improvements; providing that the provisions of this Act shall prevail in the event of conflict with any other General or Special Laws; providing that if any provision hereof is held to be invalid such holding shall not affect the other provisions hereof; repealing House Bill No. 349, Acts of the Forty-sixth Legislature; and declaring an emergency."

H. C. R. No. 73, Authorizing R. O. Drake to bring suit against the State Highway Department.

H. B. No. 913, "An Act providing for more adequate and equitable salary for County Superintendents of Public Instruction in all those counties of Texas coming within the brackets and population figures herein, specifically in all those counties having not less than forty-three thousand, one hundred and twenty-five (43,125), and not more than forty-three thousand, two hundred (43,200), according to the last preceding Federal Census; modifying all laws or parts of laws in conflict herewith; making the Act cumulative of the General Law; and declaring an emergency."

H. B. No. 868, "An Act validating the creation or attempted creation of all consolidated rural high school districts in this State, located in all counties having a population of not less than forty-eight thousand, five hundred and fifty (48,550) and not more than forty-eight thousand, five hundred and seventy (48,570), according to the last preceding Federal Census, and where such rural high school districts have a population of not less than two hundred and eighty (280) and not more than two hundred and ninety-five (295) scholastics, according to the last preceding scholastic enumeration; and providing all acts of the boards of trustees of such districts in such counties, ordering and holding elections, levying taxes, issuing bonds and all tax assessments and rolls of such districts, and all bonds and all other actions by the boards of trustees in such districts, be in all things validated; providing this Act shall not apply to districts now involved in litigation; and declaring an emergency."

#### House Concurrent Resolution 93

The following resolution, received from the House today, was laid before the Senate and read:

H. C. R. No. 93, Providing for certain corrections in H. B. No. 391.

On motion of Senator Moore, and by unanimous consent, the resolution was considered at this time and was adopted.

#### House Concurrent Resolution 77

The following resolution, received from the House today, was laid before the Senate:

H. C. R. No. 77, To further honor Messrs. W. H. Westfall, G. W. Lacey and N. L. Norton for contributing granite for use in constructing the State Capitol.

The resolution was read, and was referred to the Committee on State Affairs.

**Report of Conference Committee  
on Senate Bill 160**

Senator Kelley submitted at this time the following report of the Conference Committee on Senate Bill No. 160:

Austin, Texas,  
April 11, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the two Houses on S. B. No. 160, have had same under consideration and we recommend to the Senate and House of Representatives that said bill pass in the form attached hereto.

Respectfully submitted,

KELLEY,  
STONE  
of Galveston,  
BROWNLEE,  
WINFIELD,  
MARTIN,

On the part of the Senate.

VALE,  
CELAYA,  
LEONARD,  
LEYENDECKER,  
POPE,

On the part of the House.

S. B. No. 160.

By Kelley.

**A BILL**

**TO BE ENTITLED**

An Act to amend Section 3 of Chapter 5, Acts 1934, Forty-third Legislature, Second Called Session, by providing that the Boards of Directors may refinance bonds already issued; provided that the provisions of this Act shall not apply to any proceedings, levies, or to any bonds or warrants issued thereunder, the validity of which has been contested or attached in suit or litigation which is pending at the time this Act becomes a law, or which may be filed within thirty (30) days after

this Act becomes a law, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Amend Section 3 of Chapter 5, Acts 1934, Forty-third Legislature, Second Called Session, so as to hereafter read as follows:

"Section 3. Subject to the above restrictions each of said Boards is given complete discretion in fixing the form, condition and details of such bonds or notes. Any bonds or notes issued hereunder shall not be an indebtedness of the State of Texas, but shall be payable solely from the revenues to be derived from the operation of said buildings; provided that such bonds may be refinanced by the said Boards whenever such action is found by the Board to be necessary."

Provided, however, that the provisions of this Act shall not apply to any proceedings, levies, or to any bonds or warrants issued thereunder, the validity of which has been contested or attached in suit or litigation which is pending at the time this Act becomes a law, or which may be filed within thirty (30) days after this Act becomes a law.

Sec. 2. The fact that there is no specific authority for refinancing of bonds by the institutions of higher learning, and the fact that the lack of such authority has caused Federal authorities to question the refinancing of bonds, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and the same is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Question—Shall the report be adopted?

The report was adopted by the following vote:

Yeas—23

Aikin	Lanning
Beck	Metcalfe
Brownlee	Moffett
Burns	Moore
Collie	Nelson
Cotten	Pace
Graves	Redditt
Isbell	Roberts
Kelley	Shivers

Small  
Spears  
Stone  
of Galveston

Van Zandt  
Winfield

Absent

Hardin  
Head  
Hill  
Lemens  
Martin

Stone  
of Washington  
Sulak  
Weinert

#### Senate Bill 430 on Second Reading

On motion of Senator Roberts and by unanimous consent, Senate rules 31a and 48 were suspended, and the regular order of business was suspended, to permit consideration of S. B. No. 430 at this time.

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 430, A bill to be entitled "An Act making an appropriation of the sum of One Hundred and Fifty Thousand (\$150,000.00) Dollars, or so much thereof as may be necessary, out of any funds in the State Treasury not otherwise appropriated, to pay the contingent expenses and to pay the per diem of members and the per diem of officers and employees of the Regular Session of the Forty-sixth Legislature, and declaring an emergency."

The bill was read second time and was passed to engrossment.

#### Senate Bill 430 on Third Reading

Senator Roberts moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 430 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin  
Beck  
Brownlee  
Burns  
Collie  
Cotten  
Graves  
Hardin  
Head  
Hill  
Isbell

Kelley  
Lanning  
Lemens  
Martin  
Metcalf  
Moffett  
Moore  
Nelson  
Pace  
Redditt  
Roberts

Shivers  
Small  
Spears  
Stone  
of Galveston

Stone  
of Washington  
Sulak  
Van Zandt  
Weinert  
Winfield

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—31

Aikin  
Beck  
Brownlee  
Burns  
Collie  
Cotten  
Graves  
Hardin  
Head  
Hill  
Isbell  
Kelley  
Lanning  
Lemens  
Martin  
Metcalf  
Moffett

Moore  
Nelson  
Pace  
Redditt  
Roberts  
Shivers  
Small  
Spears  
Stone  
of Galveston  
Stone  
of Washington  
Sulak  
Van Zandt  
Weinert  
Winfield

#### House Concurrent Resolution 95

The following resolution received from the House today, was laid before the Senate:

H. C. R. No. 95, Correcting enrolled copy of H. B. No. 657.

The resolution was read; and by unanimous consent, it was considered at this time and was adopted.

#### Consideration of Local and Non-contested Bills

The President announced that pursuant to the motion of Senator Pace, which was agreed to on yesterday, the remainder of the afternoon session of the Senate would be devoted to the consideration of local bills, in accordance with Senate Resolutions 47 and 51 and Senate Concurrent Resolution 36.

#### Senate Bill 392 on Second Reading

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 392, A bill to be entitled "An Act authorizing cities eligible

under the terms of this Act to fund certain indebtedness outstanding on January 1, 1939; prescribing the method and procedure for issuance of funding bonds and warrants; validating such outstanding indebtedness not in litigation at the time this Act becomes effective; providing that this Act shall be cumulative of all other Acts but that its provisions shall prevail in the event of conflict with other laws; enacting provisions incident to and relating to the subject, and declaring an emergency."

The bill was read second time.

Senator Shivers offered the following (committee) amendments to the bill:

(1)

Amend S. B. No. 392, Section 1, line . . after the word "purposes" add the following:

"and which did not, on said date, own any one of the following utilities from which it could derive revenues; water system, sanitary sewer system, electric lighting system, or natural gas distribution system."

(2)

Amend S. B. No. 392 by amending the caption to conform to the body of the bill.

The amendments were adopted severally.

The bill was passed to engrossment.

**Senate Bill 392 on Third Reading**

Senator Shivers moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 392 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Head
Beck	Hill
Brownlee	Isbell
Burns	Kelley
Collie	Lanning
Cotten	Lemens
Graves	Martin
Hardin	Metcalf

Moffett  
Moore  
Nelson  
Pace  
Redditt  
Roberts  
Shivers  
Small  
Spears

Stone  
of Galveston  
Stone  
of Washington  
Sulak  
Van Zandt  
Weinert  
Winfield

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—31

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalf	Winfield
Moffett	

**Senate Bill 429 on Second Reading**

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 429, A bill to be entitled "An Act to amend H. B. No. 473, Section 1, Acts of the Forty-sixth Legislature, Regular Session, so as to fix the term of office of the County Purchasing Agent in all counties in this State having a population of more than one hundred and forty thousand (140,000) inhabitants and less than two hundred and ninety thousand (290,000) inhabitants, according to the last preceding Federal Census, and wherein is situated an incorporated city of more than one hundred and forty thousand (140,000) inhabitants, according to the last preceding Federal Census; providing that the salary of said County Purchasing Agent shall be fixed by the board composed of the Judges of the District Courts and the County Judge; and declaring an emergency."

The bill was read second time.

Senator Small offered the following amendments to the bill:

(1)

Amend S. B. No. 429 by striking out all below the enacting clause and inserting in lieu thereof the following:

Section 1. That Section 1, of House Bill No. 473, Acts of the Forty-sixth Legislature, Regular Session, is amended so as hereafter to read as follows:

"Section 1. In all counties in this State having a population of more than one hundred and forty thousand (140,000) inhabitants and less than two hundred and ninety thousand (290,000) inhabitants according to the last preceding Federal Census, and wherein is situated an incorporated city having a population in excess of one hundred and forty thousand (140,000) inhabitants, according to the last preceding Federal Census, a majority of a board composed of the judges of the District Courts and the County Judge of such county, shall appoint a suitable person who shall act as the County Purchasing Agent for such county, who shall hold his office, unless removed by said Judges, for a period of two years, or until removed from office by said Judges, or until his successor is appointed and qualified, and shall execute a bond in the sum of Five Thousand Dollars (\$5,000), payable to said county for the faithful performance of his duties. It shall be the duty of such agent to make all purchases for such county of all supplies, materials, and equipment required or used by such county or by a subdivision, officer, or employee thereof, excepting such purchases as may by law be required to be made by competitive bid, and to contract for all repairs to property used by such county, its subdivisions, officers, and employees, except such as by law are required to be contracted for by competitive bid. All purchases made by such agent shall be paid for by warrants drawn by the County Auditor on the County Treasurer of such county as in the manner now provided by law. It shall be unlawful for any person, firm, or corporation, other than such purchasing agent, to purchase any supplies, materials and equipment for, or to contract for any repairs to property used by, such county or subdivision, officer,

or employee thereof, and no warrant shall be drawn by the County Auditor or honored by the County Treasurer of any such county for any purchases except by such agent and those made by competitive bid as now provided by law. On the first day of July of each year such purchasing agent shall file with the County Auditor and each of said Judges of such county an inventory of all property of the county and of each subdivision, officer, or employee thereof then on hand, and it shall be the duty of the County Auditor to carefully examine such inventory and to make an accounting for all property purchased or previously inventoried and not appearing in such inventory. In order to prevent unnecessary purchases, such agent shall have authority and it shall be his duty to transfer county supplies, materials, and equipment from any subdivision, department, officer, or employee of the county when such supplies, materials, or equipment are not actually needed or used by such subdivision, department, officer, or employee to any such subdivision, department, officer, or employee that may require such supplies and materials, or the use of such equipment; and such agent shall furnish to the County Auditor a list of such supplies, materials, and equipment so transferred. Such agent shall receive as compensation for his services a salary of Three Thousand, Six Hundred Dollars (\$3,600) per year, payable in monthly installments of Three Hundred Dollars (\$300) each. Eighty (80) per cent of such salary shall be paid out of the Road and Bridge Fund and twenty (20) per cent thereof out of the General Fund of such county by warrant drawn on the County Treasurer by the County Auditor. Said agent shall have one assistant who shall receive as compensation for his services a salary of Twenty-four Hundred Dollars (\$2,400) per year, payable in monthly installments of Two Hundred Dollars (\$200) each. Said agent and said assistant may have such help, equipment, supplies, and traveling expenses, with the approval of said board of Judges, as they may deem advisable, the amount of said expenses to be approved by said board."

Sec. 2. The fact that under the law as it is now written conflicts exist that preclude a reasonable and

clear interpretation of the language of said law, and the further fact that the calendar is extremely crowded, create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read in both Houses on three several days be suspended, and said Rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

(2)

Amend S. B. No. 429 by striking out all above the enacting clause and inserting in lieu thereof the following:

"An Act to amend House Bill 473, Section 1, Acts of the Forty-sixth Legislature, Regular Session, providing for the appointment of a County Purchasing Agent whose term of office shall be for two years, and fixing the salary of said purchasing agent, and providing for an assistant purchasing agent and fixing his salary, and providing for the expenses of said purchasing agent and his assistant, in all counties in this State having a population of more than one hundred and forty thousand (140,000) inhabitants and less than two hundred and ninety thousand (290,000) inhabitants, according to the last preceding Federal Census, and wherein is situated an incorporated city of more than one hundred and forty thousand (140,000) inhabitants, according to the last preceding Federal Census; and declaring an emergency."

The amendments were adopted severally.

The bill was passed to engrossment.

#### Senate Bill 429 on Third Reading

Senator Small moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 429 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Collie
Beck	Cotten
Brownlee	Graves
Burns	Hardin

Head  
Hill  
Isbell  
Kelley  
Lanning  
Lemens  
Martin  
Metcalf  
Moffett  
Moore  
Nelson  
Pace  
Redditt

Roberts  
Shivers  
Small  
Spears  
Stone  
of Galveston  
Stone  
of Washington  
Sulak  
Van Zandt  
Weinert  
Winfield

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—31

Aikin  
Beck  
Brownlee  
Burns  
Collie  
Cotten  
Graves  
Hardin  
Head  
Hill  
Isbell  
Kelley  
Lanning  
Lemens  
Martin  
Metcalf  
Moffett

Moore  
Nelson  
Pace  
Redditt  
Roberts  
Shivers  
Small  
Spears  
Stone  
of Galveston  
Stone  
of Washington  
Sulak  
Van Zandt  
Weinert  
Winfield

#### Message from the House

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,  
Austin, Texas, April 13, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolutions:

H. C. R. No. 96, Instructing the Speaker of the House and the Chief Clerk of the House to erase their names from House Bill No. 426 and return said bill to the Senate.

H. C. R. No. 97, Requesting the Senate to return House Bill No. 906 to the House for further consideration.

The House has adopted the Free Conference Committee Report on H.

B. No. 142 by a vote of 126 yeas and 0 noes.

Respectfully submitted,  
E. R. LINLEY,  
Chief Clerk, House of Representatives.

#### Senate Bill on First Reading

Senator Pace moved that the rule relative to the introduction of bills after the first 60 days of the Regular Session of the Legislature be suspended, to permit his introducing a general bill at this time.

The motion prevailed by the following vote:

Yeas—31

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalf	Winfield
Moffett	

The following bill then was introduced, read first time, and referred to the committee indicated:

By Senator Pace:

S. B. No. 434, A bill to be entitled "An Act authorizing the Board of Control and Governor to execute deed and effect sale and transfer of one-half ( $\frac{1}{2}$ ) acre of land in Upshur County, Texas; describing said land by metes and bounds; providing for deed and mode and manner of executing same; providing for consideration of said deed, and declaring an emergency."

Referred to Committee on Mining, Irrigation and Drainage.

#### Senate Bill 431 on Second Reading

On motion of Senator Roberts and by unanimous consent, Senate Rules 31a and 48 were suspended, and the regular order of business was suspended, to permit consideration of S. B. No. 431 at this time.

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 431, A bill to be entitled "An Act relating to the salaries of all State Officers except those Constitutional State Officers whose salaries are specifically fixed by the Constitution; specifically providing that the Legislature shall fix the amount of compensation to be paid clerks of the Courts of Civil Appeals, the Supreme Court and the Court of Criminal Appeals out of fees of office, and specifically repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

The bill was read second time and was passed to engrossment.

#### Senate Bill 431 on Third Reading

Senator Roberts moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. 431 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalf	Winfield
Moffett	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—31

Aikin	Graves
Beck	Hardin
Brownlee	Head
Burns	Hill
Collie	Isbell
Cotten	Kelley

Lanning	Small
Lemens	Spears
Martin	Stone
Metcalf	of Galveston
Moffett	Stone
Moore	of Washington
Nelson	Sulak
Pace	Van Zandt
Redditt	Weinert
Roberts	Winfield
Shivers	

**Senate Bill 181 on Second Reading**

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 181, A bill to be entitled "An Act amending Article 3726, Revised Civil Statutes 1925 as amended by H. B. No. 73, First Called Session, Fortieth Legislature, relating to the admission of recorded instruments without proof and declaring an emergency."

The bill was read second time and was passed to engrossment.

**Senate Bill 181 on Third Reading**

Senator Kelley moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 181 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalf	Winfield
Moffett	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—31

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalf	Winfield
Moffett	

**Senate Bill 140 on Second Reading**

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 140, A bill to be entitled "An Act amending Section 6, House Bill 247, Chapter 44, General Laws of the Regular Session of the Forty-third Legislature as amended by Section 5, House Bill 749, Chapter 240, General Laws of the Regular Session of the Forty-fourth Legislature; providing that recoveries under a motor fuel distributor's bond shall not exceed the penal sum thereof; providing that such bonds, if continuous in form, may be continued in effect by renewal certificates; providing for the repeal of all laws or parts of laws in conflict herewith, and declaring an emergency."

The bill was read second time.

Senator Small offered the following (committee) amendment to the bill:

Amend S. B. No. 140 as follows:

Substitute a semi-colon for the period after the word "permit" in line 3, page 2 of the original bill and add the following:

"and provided further that the said renewal certificate, as, if and when issued, shall have all the force and effect of an original bond for the calendar year for which said renewal certificate is issued."

And amend the caption accordingly.

The amendment was adopted.

The bill was passed to engrossment.



**Senate Bill 140 on Third Reading**

Senator Small moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 140 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalf	Winfield
Moffett	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—31

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalf	Winfield
Moffett	

**Senate Bill 262 on Second Reading**

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 262, A bill to be entitled "An Act amending Article 5949, Revised Civil Statutes of 1925, as amended by Chapter 9, Acts of the

Regular Session, Fortieth Legislature, so as to provide for appointment of notaries public by the Secretary of State of Texas; prescribing their qualifications and terms of office; providing that this Act shall not affect the terms of those persons who have qualified as notaries public prior to the effective date hereof; providing an effective date for this Act; and declaring an emergency."

The bill was read second time and was passed to engrossment.

**Senate Bill 262 on Third Reading**

Senator Moore moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 262 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalf	Winfield
Moffett	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—31

Aikin	Lanning
Beck	Lemens
Brownlee	Martin
Burns	Metcalf
Collie	Moffett
Cotten	Moore
Graves	Nelson
Hardin	Pace
Head	Redditt
Hill	Roberts
Isbell	Shivers
Kelley	Small

Spears	Sulak
Stone	Van Zandt
of Galveston	Weinert
Stone	Winfield
of Washington	

**Senate Bill 421 on Second Reading**

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 421, A bill to be entitled "An Act to amend Article 1323 of R. C. S. of 1925, as amended by H. B. No. 626, Chapter 235, Acts of the Regular Session of the Fortieth Legislature, as amended by S. B. No. 129, Acts of the Regular Session of the Forty-sixth Legislature, so as to provide for the length of terms which directors may be elected to and serve for corporations formed under Subdivision 7 of Chapter 1, Title 32, R. C. S. of 1925, repealing all laws in conflict herewith and declaring an emergency."

The bill was read second time and was passed to engrossment.

**Senate Bill 421 on Third Reading**

Senator Graves moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 421 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—31**

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalf	Winfield
Moffett	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

**Yeas—31**

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalf	Winfield
Moffett	

**Senate Bill 425 on Second Reading**

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 425, A bill to be entitled "An Act amending Article 2940, Chapter 3, Title 50 of the Revised Civil Statutes of 1925 so as to provide that no one shall act as chairman or as member of any District, County or City Executive Committee, who has not paid his poll tax, or who holds any office of profit or trust in either the United States or this State, or in any city or town in this State; omitting the State or National Executive Committees; repealing all laws in conflict; and declaring an emergency."

The bill was read second time and was passed to engrossment.

**Senate Bill 425 on Third Reading**

Senator Shivers moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 425 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—31**

Aikin	Isbell
Beck	Kelley
Brownlee	Lanning
Burns	Lemens
Collie	Martin
Cotten	Metcalf
Graves	Moffett
Hardin	Moore
Head	Nelson
Hill	Pace

Redditt	Stone
Roberts	of Washington
Shivers	Sulak
Small	Van Zandt
Spears	Weinert
Stone	Winfield
of Galveston	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30

Beck	Moore
Brownlee	Nelson
Burns	Pace
Collie	Redditt
Cotten	Roberts
Graves	Shivers
Hardin	Small
Head	Spears
Hill	Stone
Isbell	of Galveston
Kelley	Stone
Lanning	of Washington
Lemens	Sulak
Martin	Van Zandt
Metcalfe	Weinert
Moffett	Winfield

Nays—1

Aikin

#### House Concurrent Resolution 97

The following resolution, received from the House today, was laid before the Senate:

H. C. R. No. 97, Recalling H. B. No. 906 from the Senate.

The resolution was read; and by unanimous consent, it was considered immediately.

The resolution was adopted.

#### Senate Bill 350 on Second Reading

The President laid before the Senate on its second reading and passage to engrossment.

S. B. No. 350, A bill to be entitled "An Act fixing the venue of suits brought on policies issued and contracts made by reciprocal or inter-insurance exchanges organized under the provisions of Chapter 20, Title 78, Revised Civil Statutes of Texas and declaring an emergency."

The bill was read second time and was passed to engrossment.

#### Senate Bill 350 on Third Reading

Senator Cotten moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 350 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalfe	Winfield
Moffett	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—31

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalfe	Winfield
Moffett	

#### Senate Bill 365 on Second Reading

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 365, A bill to be entitled "An Act providing for the giving of a bond by trustees who are appointed by will, deed or other instrument in

writing and holding property for the use and benefit of others; providing for the procedure to require such bonds; providing for the removal of trustees upon refusal to make such bond; providing for the appointment of a new trustee; providing that the court may, upon its own motion, or upon application of any person interested require the new trustee to give bond; providing for the payment of costs accruing thereunder and declaring an emergency."

The bill was read second time.

Senator Moore offered the following amendment to the bill:

Amend S. B. No. 365 by striking out Section 1 thereof and inserting in lieu the following:

"Section 1. Every trustee hereafter appointed under a trust agreement executed subsequent to the effective date of this Act or who may be appointed under any last will, deed, or other instrument in writing, executed subsequent to the effective date of this Act, to hold, manage or dispose of any property or estate, real, personal or mixed, for the use or benefit of any other person or persons, may be required by the County Court of the county in which any such estate shall be pending, or in which such deed or instrument of writing shall be recorded, to give bond, in such sum and with such securities as the court shall direct, conditioned for the faithful execution of the trust, unless the will, deed or other instrument of writing, creating such a trust, shall in express terms dispense with security."

And amend the caption accordingly.

The amendment was adopted.

The bill was passed to engrossment.

#### Senate Bill 365 on Third Reading

Senator Moore moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 365 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—31

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalf	Winfield
Moffett	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

#### House Bill 633 on Second Reading

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 633, A bill to be entitled "An Act providing for the execution of an agreement to extend the Interstate Compact to Conserve Oil and Gas; prescribing the form of the agreement; prescribing procedure for withdrawal from the Compact, and declaring an emergency."

The bill was read second time and was passed to third reading.

#### House Bill 633 on Third Reading

Senator Metcalfe moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 633 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—31

Aikin	Hill
Beck	Isbell
Brownlee	Kelley
Burns	Lanning
Collie	Lemens
Cotten	Martin
Graves	Metcalf
Hardin	Moffett
Head	Moore

Nelson	Stone
Pace	of Galveston
Redditt	Stone
Roberts	of Washington
Shivers	Sulak
Small	Van Zandt
Spears	Weinert
	Winfield

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—23 .

Beck	Moore
Brownlee	Nelson
Burns	Pace
Cotten	Redditt
Graves	Roberts
Head	Shivers
Isbell	Small
Kelley	Spears
Lanning	Stone
Lemens	of Galveston
Metcalf	Van Zandt
Moffett	Winfield

Nays—3

Aikin	Sulak
Hill	

Present—Not Voting

Collie

Absent

Hardin	Stone
Martin	of Washington
	Weinert

#### Senate Bill 162 Tabled

On motion of Senator Metcalfe, S. B. No. 162, being identical with H. B. No. 633, was tabled.

#### Senate Bill 313 on Second Reading

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 313, A bill to be entitled "An Act providing for taxing the premium receipts of foreign assessment life and casualty companies now admitted to do business in Texas, under Chapter V, Title 78, Revised Civil Statutes of Texas, 1925, as amended by S. B. No. 37, Chapter 40, Acts of 1929, First Called Session Forty-first Legislature, as amended by S. B. No. 106, Chapter 60, Acts

of 1929, Second Called Session, Forty-first Legislature, in the event any such company should hereafter reorganize, amend its charter or otherwise change its plan of operation so that it shall not be subject to the provisions of said Chapter V, Title 78, Revised Civil Statutes of Texas, as amended, and declaring an emergency."

The bill was read second time and was passed to engrossment.

#### Senate Bill 313 on Third Reading

Senator Small moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 313 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalf	Winfield
Moffett	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—31

Aikin	Lemens
Beck	Martin
Brownlee	Metcalf
Burns	Moffett
Collie	Moore
Cotten	Nelson
Graves	Pace
Hardin	Redditt
Head	Roberts
Hill	Shivers
Isbell	Small
Kelley	Spears
Lanning	

Stone of Galveston	Sulak Van Zandt
Stone of Washington	Weinert Winfield

**Senate Bill 269 on Second Reading**

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 269, A bill to be entitled "An Act amending Article 4006 of the Revised Civil Statutes of Texas of 1925, relating to granting of free passes, and declaring an emergency."

The bill was read second time and was passed to engrossment.

**Senate Bill 269 on Third Reading**

Senator Stone of Galveston moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 269 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—31**

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalf	Winfield
Moffett	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

**Yeas—29**

Beck	Head
Brownlee	Hill
Burns	Isbell
Collie	Kelley
Cotten	Lanning
Graves	Lemens
Hardin	Martin

Metcalf	Spears
Moffett	Stone
Moore	of Galveston
Nelson	Stone
Pace	of Washington
Redditt	Sulak
Roberts	Van Zandt
Shivers	Weinert
Small	

**Nays—2**

Aikin	Winfield
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**Committee Substitute Senate Bill 28 on Second Reading**

The President laid before the Senate on its second reading and passage to engrossment:

Committee Substitute S. B. No. 28, A bill to be entitled "An Act amending Chapter 206 of the Acts of the Regular Session of the Forty-first Legislature of Texas; authorizing the Board of Directors of Texas Technological College to erect and equip and to contract for the erection, completion, and equipment of certain dormitories, cottages, and other buildings and improvements and to purchase or lease additional real estate therefor, to contract with municipalities and school districts for the joint construction of certain buildings, to issue certain revenue obligations to pay therefor and as security to pledge the net rents, fees, and net rents, fees, revenue and incomes of other certain properties owned by said college, limiting the rate of interest to be borne by such obligations to a rate not to exceed six (6%) per cent per annum and the maturity date thereof for a period not exceeding twenty (20) years from date thereof, etc., and declaring an emergency."

The bill was read second time and was passed to engrossment.

**Committee Substitute Senate Bill 28 on Third Reading**

Senator Nelson moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 28 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—31

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalfe	Winfield
Moffett	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—29

Brownlee	Nelson
Burns	Pace
Collie	Redditt
Cotten	Roberts
Graves	Shivers
Hardin	Small
Head	Spears
Hill	Stone
Isbell	of Galveston
Kelley	Stone
Lanning	of Washington
Lemens	Sulak
Martin	Van Zandt
Metcalfe	Weinert
Moffett	Winfield
Moore	

## Nays—2

Aikin	Beck
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## Senate Bill 352 on Second Reading

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 352, A bill to be entitled "An Act amending Section 7, Article 8306, Part 1, Title 130, Revised Civil Statutes of 1925 by extending period for which medical aid shall be provided not exceeding ninety-one (91) days when authorized by Board, and declaring an emergency."

(President Pro Tempore in the Chair.)

The bill was read second time and was passed to engrossment.

## Senate Bill 352 on Third Reading

Senator Beck moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 352 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—31

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalfe	Winfield
Moffett	

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

## Senate Bill 207 on Second Reading

The President Pro Tempore laid before the Senate on its second reading and passage to engrossment:

S. B. No. 207, A bill to be entitled "An Act providing for the sale of State property purchased from funds appropriated to the State Highway Department; the manner of making such sales; the disposition to be made of the money from any such sale; and declaring an emergency."

The bill was read second time.

Senator Redditt offered the following amendments to the bill:

(1)

Amend S. B. No. 207 by striking out all of Section 1 and substituting in lieu thereof the following:

"Section 1. Whenever the State Highway Department shall certify to the State Board of Control that the State Highway Department has property that has become unfit for use or no longer needed, it should be the duty of the State Board of Control to order the sale of said property at public auction, to the highest bidder for cash, after advertising any such sale in two newspapers to be designated by said State Board of Control for not less than five (5) days prior to the date of such sale. The State Board of Control is hereby authorized and empowered to name either the State Highway Engineer or a District or Division Engineer to make such sale."

(2)

Amend S. B. No. 207 by adding at the end of Section One (1) the following: "The County Judge of any county when authorized by the Commissioners' Court and the Mayor of any city or town, when authorized by the governing body of said city or town, are hereby expressly authorized to bid on said property for said county, or city or town."

And amend the caption accordingly.

The amendments were adopted severally.

The bill was passed to engrossment.

#### Senate Bill 207 on Third Reading

Senator Redditt moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 207 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Martin
Beck	Metcalf
Brownlee	Moffett
Burns	Moore
Collie	Nelson
Cotten	Pace
Graves	Redditt
Hardin	Roberts
Head	Shivers
Hill	Small
Isbell	Spears
Kelley	Stone
Lanning	of Galveston
Lemens	

Stone	Van Zandt
of Washington	Weinert
Sulak	Winfield

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—31

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalf	Winfield
Moffett	

#### Senate Bill 19 on Second Reading

The President Pro Tempore laid before the Senate on its second reading and passage to engrossment:

S. B. No. 19, A bill to be entitled "An Act repealing Article 6203, Revised Civil Statutes of 1925, as amended by Chapter 45, Acts of the Forty-first Legislature, First Called Session, Chapter 9, Fourth Called Session of the Forty-first Legislature, and Chapter 11, Fifth Called Session of the Forty-first Legislature, creating a Board of Pardons and Paroles, fixing their terms of office, providing a method of appointment thereto and authorizing recess appointments; limiting the power of the Governor in the matter of reprieves, commutations of punishment and pardons; providing for one reprieve of not more than thirty (30) days in any capital case; empowering the Governor to revoke paroles and other forms of clemency; fixing the salaries of the members of the Board of Pardons and Paroles and providing for traveling expenses and accommodations, and empowering them to employ a secretary, a state parole supervisor and other employees; providing for the organization of the Board; providing that the chairman shall be elected by



the Board; providing for removal of Board members for cause; providing for the maintenance of offices and location of same; etc., and declaring an emergency."

The bill was read second time.

Senator Burns offered the following amendment to the bill:

Amend S. B. No. 19, page 4, Section 8, by striking out all of said Section and inserting in lieu thereof the following:

"Sec. 8. The Board shall maintain offices at the State Capitol at Austin, Texas, where it shall meet at such times that may be necessary for a check and complete study of all inmate cases, and for the transaction of such other business as may come before it provided one member of the Board of Pardons and Paroles shall have his headquarters and live at Huntsville, Texas, and two members of the Board shall remain in Austin, Texas; and said Board member stationed at Huntsville, Texas, is hereby authorized to employ two inspectors at a salary of \$150.00 per month for the purpose of assisting and helping said Board member located at the penitentiary to investigate eligible convicts for executive clemency, upon units of the prison system, and said Board member shall forward his written report and records to the main office at Austin, Texas, for consideration by other members of said Board; provided further that the Board of Pardons and Paroles shall file, on the first of each month, the number of applications heard, the number granted, and the number refused, and shall, in said report, give the reason for refusal, and said report shall be open to public inspection."

Amend the caption to conform.

The amendment was adopted.

The bill was passed to engrossment.

#### Senate Bill 19 on Third Reading

Senator Burns moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 19 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalf	Winfield
Moffett	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time.

Senator Nelson moved to table the bill subject to call.

Yeas and nays were demanded, and the motion to table subject to call was lost by the following vote:

Yeas—5

Aikin	Stone
Nelson	of Galveston
Small	Winfield

Nays—23

Beck	Metcalf
Brownlee	Moffett
Burns	Moore
Collie	Pace
Cotten	Redditt
Graves	Roberts
Hardin	Shivers
Head	Spears
Hill	Stone
Isbell	of Washington
Kelley	Sulak
Lanning	Van Zandt
Lemens	Weinert
Martin	

Senator Van Zandt offered the following amendment to the bill:

Amend S. B. 19 by striking out salaries of \$5,000.00 and inserting in lieu thereof \$3,600.00.

The amendment was adopted unanimously.

(Senator Small in the Chair.)

Senator Burns moved that further consideration of the bill be postponed

until next Monday at the conclusion of the morning call and that it be made a special order for that hour.

The motion prevailed unanimously.

**Report of Conference Committee on  
House Bill 517**

Senator Lemens, by unanimous consent, submitted at this time the following report of the Conference Committee on H. B. No. 517:

Austin, Texas,  
April 13, 1939.

Hon. Coke R. Stevenson, President of  
the Senate;

Hon. R. Emmett Morse, Speaker of the  
House.

Sirs: We, your Conference Committee appointed to adjust the differences between the two Houses on H. B. No. 517, recommend that the bill be passed in form and text as submitted herewith.

Respectfully Submitted,

LEMENS,  
NELSON,  
STONE of  
Washington,  
SHIVERS,  
HARDIN,

On the part of the Senate.

HAMILTON,  
RUSSELL,  
PEVEHOUSE,  
TAYLOR,  
LANGDON,

On the part of the House.

**House Bill 517**

Be it Enacted by the Legislature of  
the State of Texas:

"Section 1. That from and after the effective date of this Act S. B. No. 514, Chapter 101, Page 140 of the Special Laws of the Regular Session of the Forty-third Legislature, 1933, be amended so as to hereafter read as follows:

"Section 1. From and after the effective date of this Act, it is hereby declared to be unlawful for any person in this State to take, kill, or have in his possession for the purpose of barter or sale, any wild fox or pelts thereof, for a period of five (5) years from and after the passage of this Act in Navarro County.

"Sec. 2. That from and after the passage of this Act, it shall be unlawful for any person in this State

to set a steel trap, snare or deadfall for the purpose of taking any fox in Navarro County.

"Sec. 3. Any person who violates any provision of this Act shall be deemed guilty of a misdemeanor, and upon conviction therefor shall be fined in any sum not less than Ten (\$10.00) Dollars nor more than One Hundred (\$100.00) Dollars, and each pelt sold in violation of this Act shall constitute a separate offense."

"Sec. 2. All laws and parts of laws in conflict herewith are hereby expressly repealed, and especially H. B. No. 60, Chapter 48, Page 99 of the General and Special Laws of the Forty-third Legislature, Third Called Session is repealed in so far as the same applies to Hill and Johnson Counties, it being the purpose of this amendment to take Hill and Johnson Counties out of the provisions of H. B. No. 60, and to take Hill, Johnson and Bosque Counties out of the provisions of S. B. No. 514 as above set out, and to leave in said Acts the County of Navarro, as hereinabove amended.

"Sec. 3. The fact that the above laws include Hill, Johnson, and Bosque Counties; and the fact that said Counties do not desire to come under the provisions of said Acts; and the fact that it is not the purpose of this amendment to in any way affect the status of Navarro County named in S. B. No. 514 or H. B. No. 60, Chapter 48, Page 99 of the General and Special Laws of the Forty-third Legislature, Third Called Session, as amended by this Act; and that the purpose of this Act is only to take from the provisions of the above-named Special Laws the Counties of Hill, Johnson, and Bosque create an emergency and an imperative public necessity that the Constitutional Rule requiring that all bills be read on three several days in each House be suspended, and said Rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted."

Question—Shall the report be adopted?

The report was adopted by the following vote:

Yeas—31

Aikin	Burns
Beck	Collie
Brownlee	Cotten

Graves	Redditt
Hardin	Roberts
Head	Shivers
Hill	Small
Isbell	Spears
Kelley	Stone
Lanning	of Galveston
Lemens	Stone
Martin	of Washington
Metcalfe	Sulak
Moffett	Van Zandt
Moore	Weinert
Nelson	Winfield
Pace	

**Report of Conference Committee  
on House Bill No. 142**

Senator Pace submitted at this time the following report of the Conference Committee on H. B. No. 142:

Austin, Texas,  
April 12, 1939.

Hon. Coke R. Stevenson, President of the Senate.

and

Hon. R. Emmett Morse, Speaker of the House of Representative.

Sirs: We, your Conference Committee, appointed to adjust the differences between the Senate and the House on House Bill No. 142 have met and beg leave to recommend that said House Bill No. 142 be passed in the form hereto attached.

Respectfully submitted,

PACE,  
BECK,  
REDDITT,  
WINFIELD,  
ISBELL,

On the part of the Senate.

THORNTON,  
MORRIS,  
McNAMARA,  
McALISTER,  
WOOD,

On the part of the House.

H. B. No. 142.

**A BILL  
TO BE ENTITLED**

An Act providing that persons, firms, corporations, common carriers or associations who operate or conduct hotels or any public sleeping or eating place, or any place or vehicle where food or drink or containers therefor, of any kind, is manufactured, transferred, prepared, stored, packed, served, sold or otherwise handled in this State,

shall not work, employ or keep in their employ, directly or indirectly, in, on, or about any said place or vehicle, any person who is infected with any transmissible condition of any infectious or contagious disease; providing that all employees shall be actually examined by a legally licensed physician within one week prior to the time of employment; providing that actual examinations shall be made, by legally licensed physicians, of all employees at intervals of time not exceeding six months; providing that persons who prepare, for the purpose of sale, food or drink of any kind, and any vendor of foods or drink, shall submit to examinations, providing further, that it shall be unlawful for manufacturers or vendors of candy or manufactured sweets, to knowingly consign, sell or furnish such products to individuals for the purpose of resale at or from their private residences, who do not have sanitary storage or show cases for the purpose of protecting the said products from all unsanitary conditions, and who do not display valid health certificates issued by a legally licensed physician residing in the county where the said employee, consignee or person securing the said products is conducting his business, to show that each person living or working in such private residence has been actually examined by the said physician and that each was found free of any transmissible conditions of all infectious and contagious diseases; providing that no person shall, for the purpose of resale, deliver such candies or manufactured sweets to a private residence without first ascertaining that valid health certificates have been issued each person living or working therein and that a sanitary show case or storage container is provided for the protection of all such articles; providing for certain requisites to all health certificates; providing for the display thereof; granting certain authorities the right to establish certain rules, regulations, and ordinances; providing that any employer's failure to display at place of business, valid health certificates for each person employed shall constitute prima facie evidence that examinations were not required of

such employees; repealing all laws in conflict herewith, but saving to the State the right to prosecute for violations prior to repeal; prescribing a penalty for any violation of this Act and prescribing that any Act or omission in violation of any Article shall constitute a separate offense; providing, that if any particular section or portion of this Act is held unconstitutional or inoperative, such shall not affect any other section or portion of this Act and declaring certain legislative intent; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That House Bill No. 646, Acts of the Forty-fifth Legislature, be amended so as to read as follows:

"Section 1. No person, firm, corporation, common carrier or association operating, managing, or conducting any hotel or any other public sleeping or eating place, or any place or vehicle where food or drink or containers therefor, of any kind, is manufactured, transferred, prepared, stored, packed, served, sold, or otherwise handled in this State, or any manufacturer or vendor of candies or manufactured sweets, shall work, employ, or keep in their employ, in, on, or about any said place or vehicle, or have delivered any article therefrom, any person infected with any transmissible condition of any infectious or contagious disease, or work, or employ any person to work in, on, or about any said place, or to deliver any article therefrom, who, at the time of his or her employment, failed to deliver to the employer or his agent, a certificate signed by a legally licensed physician, residing in the county where said person is to be employed, or is employed, attesting the fact that the bearer had been actually and thoroughly examined by such physician within a week prior to the time of such employment, and that such examination disclosed the fact that such person to be employed was free from any transmissible condition of any infectious or contagious disease; or fail to institute and have made, at intervals of time not exceeding six months, actual and thorough examinations, essential to the findings of freedom from communicable and infectious diseases, of all such employees, by a legally licensed

physician residing in the county where said person is employed, and secure in evidence thereof a certificate signed by such physician stating that such examinations had been made of such person, disclosing the fact that he or she was free from any transmissible condition of any communicable and infectious diseases.

"Sec. 2. Provided further that it shall be unlawful for any manufacturer or vendor of candies or manufactured sweets to knowingly consign, sell, or furnish in any way candies or manufactured sweets to any person or persons for the purpose of resale at or from their private residence who does not display a complete valid health certificate issued for each member of the family or household, signed by a licensed physician authorized to practice medicine in this State, and who resides in the county where such person was examined, and who does not have a sanitary show case or place of display for the protection of such candies or manufactured sweets.

"Sec. 3. All health certificates called for by this Act shall be displayed for public inspection at the place where the person named thereon is employed, and shall not be removed from such place during the continuance of such employment except by a public health officer, his duly appointed agent, or upon valid court order. All such certificates shall bear the employee's signature, the name of the physicians executing examinations and tests, and shall describe the color of eyes, and hair, height, weight, race, sex, age, and date of issuance, and shall be valid for six months only. Public health departments, and local lawmaking bodies, are hereby authorized to establish such further rules, regulations and ordinances as they may deem essential to the execution of the intentions of this Act; providing, however, that all conditions of this Act shall be requisite to all such regulations and ordinances, except, that the said authorities may adopt a plan for the registration of the physicians' certificates required by this Act and in lieu thereof issue a registration card to show that the person named thereon has complied with all of the provisions of this Act; providing further that the said registration card must bear the signature of the per-

son named thereon and shall be displayed for public inspection at the place where such a person is employed.

"Sec. 4. The failure of any person, firm, corporation, common carrier or association engaged in any of the businesses described in this Act, to display at the place where any of the operations of such businesses are being conducted, a valid health or registration certificate, as required by this Act, for each person employed in, on, or about such place, shall be prima facie evidence that the said person, firm, corporation, common carrier or association, in violation of requirements called for by this Act, failed to require the exhibition of the pre-employment health certificate, of such person and failed to institute and have made of such person, actual and thorough examinations necessary to the findings of freedom from communicable diseases at intervals of time not exceeding six months.

"Sec. 5. Whoever violates any provision of this Act shall be fined in an amount not exceeding Two Hundred Dollars (\$200). Each act or omission in violation of any of the provisions of this Article, shall constitute a separate offense and shall be punishable as hereinabove prescribed.

"Sec. 6. If any provision, section or part of this Act is declared unconstitutional or held invalid, or the applicability thereof to any person or circumstances is held invalid, the constitutionality of the remainder of the Act and the application thereof to the persons and other circumstances shall not be affected thereby, and to this end the provisions of this Act are declared to be severable.

"Sec. 7. (a) All laws and parts of laws in conflict herewith are hereby repealed. (b) Provided that nothing in this Section or in the Title of this Act, or in any Section of this Act, shall be construed to preclude the prosecution of any person, firm, corporation, common carrier or association, or persons for acts or omissions in violation of any of the provisions repealed by this Section where such acts or omissions take place prior to time of repeal of such provision by this Section."

Sec. 2. Emergency Clause. The fact that many food and drink establishments and factories are not required under the present law to have

their employees examined and secure health certificates and the further fact that thousands of individuals in private homes throughout the State are selling candies and manufactured sweets without having valid health certificates and sanitary means of display show cases create an emergency and an imperative public necessity requiring that the Constitutional Rule requiring bills to be read on three several days be suspended, and the same is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

Question—Shall the report be adopted?

The report was adopted by the following vote:

Yeas—30

Beck	Moore
Brownlee	Nelson
Burns	Pace
Collie	Redditt
Cotten	Roberts
Graves	Shivers
Hardin	Small
Head	Spears
Hill	Stone
Isbell	of Galveston
Kelley	Stone
Lanning	of Washington
Lemens	Sulak
Martin	Van Zandt
Metcalf	Weinert
Moffett	Winfield

Nays—1

Aikin

Senate Bill 401 on Second Reading

The Presiding Officer laid before the Senate on its second reading and passage to engrossment:

S. B. No. 401, A bill to be entitled "An Act amending Article 625 of the Code of Criminal Procedure of the Revised Statutes of 1925, [relating to pay of veniremen].

The bill was read second time.

Senator Spears offered the following amendment to the bill:

Amend S. B. No. 401 by adding a new section reading as follows:

Provided however that the terms and conditions of this bill shall not apply to any County in the State

having a population of not less than 290,000 nor more than 320,000 according to the last preceding Federal Census, and all future Federal Census.

The amendment was adopted.

Senator Nelson offered the following amendment to the bill:

Amend S. B. No. 401 line 15 by adding between the word "trial" and the word "shall" the following:

"and who reside more than one mile distant from the court house of the county"

On motion of Senator Shivers, the amendment was tabled.

Senator Graves offered the following amendment to the bill:

Amend S. B. No. 401—line 15 by the figures and words "320,000" and substituting in lieu thereof the words and figures "355,000;" and amend the caption to conform.

The amendment was adopted.

The bill was passed to engrossment.

#### Senate Bill 401 on Third Reading

Senator Shivers moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 401 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—27

Aikin	Moore
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Cotten	Small
Graves	Spears
Hardin	Stone
Head	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Metcalf	Winfield
Moffett	

#### Nays—1

Nelson

#### Absent

Hill	Weinert
Martin	

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

#### House Bill 873 on Second Reading

The Presiding Officer laid before the Senate on its second reading and passage to third reading:

H. B. No. 873, A bill to be entitled "An Act making provisions for salaries of chief deputy in the office of sheriff, tax collector and assessor in certain counties; authorizing Commissioners' Court to pay salaries; providing mode and manner of paying salaries; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

The bill was read second time and was passed to third reading.

#### House Bill 873 on Third Reading

Senator Winfield moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 873 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—31

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalf	Winfield
Moffett	

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

#### Yeas—31

Aikin	Brownlee
Beck	Burns

Collie	Pace
Cotten	Redditt
Graves	Roberts
Hardin	Shivers
Head	Small
Hill	Spears
Isbell	Stone
Kelley	of Galveston
Lanning	Stone
Lemens	of Washington
Martin	Sulak
Metcalf	Van Zandt
Moffett	Weinert
Moore	Winfield
Nelson	

**Senate Bill 214 on Final Passage**

The Presiding Officer laid before the Senate on its final passage (the bill having been read third time on April 5, 1939):

S. B. No. 214, A bill to be entitled "An Act amending Article 1645 of the Revised Civil Statutes of Texas of 1925, as amended by Chapter 15, Acts of the 42nd Legislature, Second Called Session, and as amended by Acts of the Forty-fifth Legislature, First Called Session; by adding thereto Article 1645d 2, fixing the compensation of the County Auditors of every County having a population of not less than forty-nine thousand one hundred (49,100) and not more than fifty-one thousand (51,000) inhabitants, according to the 1930 Federal Census, and prescribing how same shall be paid, repealing all laws in conflict therewith and declaring an emergency."

The bill was passed by the following vote:

**Yeas—31**

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalf	Winfield
Moffett	

**House Bill 909 on Second Reading**

The Presiding Officer laid before the Senate on its second reading and passage to third reading:

H. B. No. 909, A bill to be entitled "An Act to amend Article 1654a, Section 1, of the Revised Civil Statutes; repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

The bill was read second time and was passed to third reading.

**Senate Bill 418 on Final Passage**

Senator Pace called for the consideration at this time of the motion to reconsider the vote by which S. B. No. 418 was passed, the motion having been duly made by Senator Sulak and previously spread upon the Journal.

The motion prevailed.

The Presiding Officer laid before the Senate, on its final passage:

S. B. No. 418, A bill to be entitled "An Act authorizing the Game, Fish and Oyster Commission to acquire by purchase lands, water rights, easements, right of ways and property of any person in this State; providing for the acquiring of lands, water rights, easements, right of ways and property of any person or corporation by condemnation proceedings; providing the manner and method of such condemnation proceedings; providing for the payment of damages and costs, and declaring an emergency."

Senator Metcalfe offered the following amendment to the bill:

Amend S. B. No. 418, page 1, line 34, of the printed bill, by striking out of said line the words "water rights".

The amendment was adopted unanimously.

The bill was passed by the following vote:

**Yeas—21**

Beck	Isbell
Brownlee	Kelley
Burns	Lemens
Cotten	Metcalf
Graves	Moore
Hardin	Pace
Head	Redditt

Roberts	Stone
Shivers	of Galveston
Small	Stone
Spears	of Washington
	Van Zandt

Nays—5

Aikin	Lanning
Collie	Nelson
Hill	

Present—Not Voting

Moffett

Absent

Martin	Weinert
Sulak	Winfield

**Senate Bill 268 on Second Reading**

The Presiding Officer laid before the Senate on its second reading and passage to engrossment:

S. B. No. 268, A bill to be entitled "An Act to amend Article 545, Section 2, Chapter 9, Revised Civil Statutes of the State of Texas, 1925, and to add a new article to Article 548 to be hereinafter known as Article 548a; repealing all laws in conflict herewith, and declaring an emergency."

The bill was read second time and was passed to engrossment.

**Senate Bill 268 on Third Reading**

Senator Spears moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 268 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalfe	Winfield
Moffett	

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—28

Aikin	Moffett
Beck	Moore
Brownlee	Nelson
Burns	Pace
Collie	Redditt
Cotten	Roberts
Graves	Shivers
Hardin	Small
Head	Spears
Hill	Stone
Isbell	of Galveston
Kelley	Stone
Lanning	of Washington
Lemens	Sulak
Metcalfe	Van Zandt

Absent

Martin	Winfield
Weinert	

**House Bill 892 on Second Reading**

The Presiding Officer laid before the Senate on its second reading and passage to third reading.

H. B. No. 892, A bill to be entitled "An Act providing for the excluding of lands from water improvement districts and from water control and improvement districts where such land is not of such nature as to be subject to irrigation in a practical manner, upon application of the owner of such land, by the Board of Directors of such district, with the consent of ninety-five (95%) per cent of the bondholders holding bonds payable from taxes levied within such district, and provided a like amount of irrigable land is added to such district upon the application of the owner thereof at the time of excluding land not subject to irrigation in a practicable manner, and declaring an emergency."

The bill was read second time and was passed to third reading.

**House Bill 892 on Third Reading**

Senator Kelley moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 892 be placed on its third reading and final passage.



The motion prevailed by the following vote:

## Yeas—31

Aikin	Moffett
Beck	Moore
Brownlee	Nelson
Burns	Pace
Collie	Redditt
Cotten	Roberts
Graves	Shivers
Hardin	Small
Head	Spears
Hill	Stone
Isbell	of Galveston
Kelley	Stone
Lanning	of Washington
Lemens	Sulak
Metcalfe	Van Zandt

## Absent

Martin	Winfield
Weinert	

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—28

Aikin	Moffett
Beck	Moore
Brownlee	Nelson
Burns	Pace
Collie	Redditt
Cotten	Roberts
Graves	Shivers
Hardin	Small
Head	Spears
Hill	Stone
Isbell	of Galveston
Kelley	Stone
Lanning	of Washington
Lemens	Sulak
Metcalfe	Van Zandt

## Absent

Martin	Winfield
Weinert	

## House Bill 909 on Third Reading

Senator Van Zandt moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 909 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—28

Aikin	Moffett
Beck	Moore
Brownlee	Nelson
Burns	Pace
Collie	Redditt
Cotten	Roberts
Graves	Shivers
Hardin	Small
Head	Spears
Hill	Stone
Isbell	of Galveston
Kelley	Stone
Lanning	of Washington
Lemens	Sulak
Metcalfe	Van Zandt

## Absent

Martin	Winfield
Weinert	

The Presiding Officer then laid the bill before the Senate.

The bill was read third time.

Senator Van Zandt offered the following amendment to the bill:

Amend H. B. No. 909 by striking out in line 22 and 23 the following words: "not to exceed" and by striking out the following words in line 19 and 20: "when so directed by order of the Commissioners' Court of such county." And amend the caption to conform.

The amendment was adopted unanimously.

The bill was passed by the following vote:

## Yeas—28

Aikin	Moffett
Beck	Moore
Brownlee	Nelson
Burns	Pace
Collie	Redditt
Cotten	Roberts
Graves	Shivers
Hardin	Small
Head	Spears
Hill	Stone
Isbell	of Galveston
Kelley	Stone
Lanning	of Washington
Lemens	Sulak
Metcalfe	Van Zandt

## Absent

Martin	Winfield
Weinert	

**House Bill 634 on Second Reading**

The Presiding Officer laid before the Senate on its second reading and passage to third reading:

H. B. No. 634, A bill to be entitled "An Act providing for a Rural School Music Supervisor in certain counties, prescribing the duties of said Supervisor, prescribing the method of employing the Supervisor and the matter of fixing and paying salary, and declaring an emergency."

The bill was read second time and was passed to third reading.

**House Bill 634 on Third Reading**

Senator Nelson moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 634 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—28**

Aikin	Moffett
Beck	Moore
Brownlee	Nelson
Burns	Pace
Collie	Redditt
Cotten	Roberts
Graves	Shivers
Hardin	Small
Head	Spears
Hill	Stone
Isbell	of Galveston
Kelley	Stone
Lanning	of Washington
Lemens	Sulak
Metcalfe	Van Zandt

**Absent**

Martin	Winfield
Weinert	

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time.

Senator Nelson offered the following amendment to the bill:

Amend H. B. No. 634 by adding after the figures 17,060 in Section 1, the following:

"And all counties having a population of not more than 9,405 and not less than 9,300."

The amendment was adopted unanimously.

The bill then was passed.

**Report of Conference Committee on House Bill 813**

Senator Lemens submitted at this time the following report of the Conference Committee on H. B. No. 813:

Austin, Texas,  
April 12, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Hon. R. Emmett Morse, Speaker of the House.

Sirs: We, your Conference Committee appointed to adjust the differences between the two Houses on House Bill No. 813, recommend that the bill be passed in form and text as submitted herewith.

Respectfully submitted,

LEMENS,  
WINFIELD,  
METCALFE,  
GRAVES,

On the part of the Senate.

BURNEY,  
READER of Erath,  
RUSSELL,  
BAILEY,  
LANGDON,

On the part of the House.

By Langdon.

H. B. No. 813.

**A BILL****TO BE ENTITLED**

An Act making it unlawful to hunt, shoot, or kill any deer or wild turkey for a period of five (5) years in Somervell, Bosque, Coryell, Hamilton, Erath, Hood, and Johnson Counties, Texas; fixing a penalty; repealing all laws or parts of laws in conflict herewith in so far as they apply to such counties; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. It shall be unlawful to hunt, shoot, or kill any deer or wild turkey in Somervell, Bosque, Coryell, Hamilton, Erath, Hood, and Johnson Counties for a period of five (5) years, from and after the passage of this Act.

Sec. 2. Any person violating the

provisions of this Act shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than Ten Dollars (\$10) nor more than One Hundred Dollars (\$100).

Sec. 3. All laws or parts of laws in conflict herewith are hereby expressly repealed in so far as they apply to the counties specifically named in Section 1 of this Act.

Sec. 4. The fact that deer and wild turkey are being exterminated in Somervell, Bosque, Coryell, Hamilton, Erath, Hood, and Johnson Counties creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and the same is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Question—Shall the report be adopted?

The report was adopted.

#### Reports of Standing Committees

By unanimous consent, the following reports were submitted at this time by the committee chairmen whose names are signed thereto:

Austin, Texas,  
April 12, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

H. B. No. 190, by Allison, et al., A bill to be entitled "An Act making it a felony to obtain with intent to defraud, money, goods, service, labor, or other thing of value, by giving or drawing any check, draft, or order upon any bank, person, firm, or corporation, if the person drawing or giving such instrument does not at the time it is so given or drawn have sufficient funds with the drawee to pay such instrument and all other checks, drafts, or orders upon such funds outstanding at the time such instrument is given or drawn,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

SPEARS, Chairman.

Austin, Texas,  
April 12, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

H. B. No. 787, by Celaya, A bill to be entitled "An Act defining the term "obscene publication"; prohibiting the sale of any obscene publication; providing a penalty for violation; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

SPEARS, Chairman.

Austin, Texas,  
April 12, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

H. B. No. 205, by Johnson of Tarrant, A bill to be entitled "An Act amending Article 1055, of the Code of Criminal Procedure of Texas, 1925; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass as amended by Committee Amendment No. 1, and be printed.

SPEARS, Chairman.

Austin, Texas,  
April 13, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 886, A bill to be entitled "An Act providing that County Commissioners Courts and the municipal government of any incorporated city, town or village, may appoint, employ and pay case workers and investigators to make investigations of needy persons to whom may be supplied necessities, furnished by the Texas Relief Commission, any proper Federal Agency, or by counties or cities or by any one of said agencies, commission, city or county; providing that in no case shall there be employed

more than one case worker or investigator to every one hundred thousand (100,000) inhabitants of each county of this State; etc., and declaring an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

HARDIN, Chairman.

Austin, Texas,  
April 13, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 885, A bill to be entitled "An Act authorizing County Commissioners Courts and the City Commission of any incorporated town to lease or rent office space for the purpose of aiding and cooperating with the agencies of the State and Federal Governments engaged in the administration of relief of the unemployed and needy people in the State of Texas, and to pay the regular monthly utility bills for such offices, such as lights, gas and water; to pay for such leases, rentals and utilities out of the General Fund when in the opinion of a majority of the Commissioners Court such is essential to the proper administration of such agencies of either the State or Federal Governments; providing for the validation of all actions, proceedings, orders and contracts for such rentals, leases or utility bills heretofore made by any Commissioners Court; providing that if any part of this Act shall ever be held unconstitutional, such holding shall not affect the validity of the remaining portions of the Act; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

HARDIN, Chairman.

Austin, Texas,  
April 13, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

H. B. No. 855, A bill to be entitled

"An Act providing pay for members of the County Board of School Trustees of certain counties, and limiting the number of sessions to be paid for; and declaring an emergency,"

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass and be not printed.

AIKIN, Chairman.

Austin, Texas,  
April 13, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Mining, Irrigation and Drainage, to whom was referred

S. B. No. 434, A bill to be entitled "An Act authorizing the Board of Control and the Governor to execute deed and effect sale and transfer of one-half acre of land in Upshur County, Texas, describing said land by metes and bounds; providing for deed and mode and manner of executing same; etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

PACE, Chairman.

Austin, Texas,  
April 11, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 952, A bill to be entitled "An Act for the purpose of better conserving the salt water fish and marine resources of the State of Texas by providing certain regulations and restrictions and the use of certain parts of the waters of all artificial and natural passes now or hereafter constructed and maintained by the Game, Fish and Oyster Commission of the State of Texas as fish passes; providing a penalty; providing nothing shall be construed to restrict the right of the Federal Government to regulate navigation; providing a saving clause; and declaring an emergency,"

Have had the same under consid-

eration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MOORE, Chairman.

#### Adjournment

Senator Redditt moved that the Senate adjourn until 10:00 o'clock a. m. next Monday, April 17, 1939.

Senator Hill moved that the Senate adjourn until 10:00 o'clock a. m. tomorrow.

Question first recurring on the motion of Senator Redditt, yeas and nays were demanded.

The motion was lost by the following vote:

#### Yeas—12

Beck	Isbell
Brownlee	Lemens
Collie	Pace
Cotten	Redditt
Graves	Shivers
Hardin	Winfield

#### Nays—17

Aikin	Roberts
Burns	Small
Head	Spears
Hill	Stone
Kelley	of Galveston
Lanning	Stone
Metcalfe	of Washington
Moffett	Sulak
Moore	Van Zandt
Nelson	

#### Absent

Martin	Weinert
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The motion of Senator Hill prevailed; and the Senate, accordingly, at 4:30 o'clock p. m., adjourned until 10:00 o'clock a. m. tomorrow.

### FIFTY-FIRST DAY

(Friday, April 14, 1939)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by President Stevenson.

The roll was called, and the following Senators were present:

Aikin	Cotten
Brownlee	Graves
Burns	Head
Collie	Hill

Isbell	Shivers
Kelley	Small
Lanning	Spears
Lemens	Stone
Metcalfe	of Galveston
Moffett	Stone
Moore	of Washington
Nelson	Sulak
Pace	Van Zandt
Redditt	Weinert
Roberts	Winfield

#### Absent—Excused

Beck	Martin
Hardin	

A quorum was announced present.

The invocation was offered by the Chaplain.

On motion of Senator Aikin, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

#### Leaves of Absence Granted

Senator Beck was granted leave of absence for today, on account of important business, on motion of Senator Burns.

Senator Martin was granted leave of absence for today, on account of important business, on motion of Senator Cotten.

Senator Hardin was granted leave of absence for today, on account of important business, on motion of Senator Stone of Galveston.

#### Senate Concurrent Resolution 14

The President laid before the Senate for consideration at this time:

S. C. R. No. 14, Authorizing S. D. Evans, et al., to sue the County of Bastrop.

The resolution was read and was adopted.

#### Message from the House

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,  
Austin, Texas, April 14, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has reconsidered final passage of H.